

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 05-15903
Non-Argument Calendar

<p>FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT April 21, 2006 THOMAS K. KAHN CLERK</p>

D. C. Docket No. 04-00191-CV-DHB-1

MICHAEL D. PIRTLE, SR.,
in his capacity as Founder of C.O.S.T.
USA and owner of a business in
Columbia County, Georgia,

Plaintiff-Appellant,

versus

COLUMBIA COUNTY, GEORGIA,
a Political Subdivision
of the State of Georgia,
RON C. CROSS, in his capacity
as Chairman of the Columbia
Board of Commissioners,
THOMAS W. MERCER, JR.,
STEPHEN W. BROWN, in their
capacities as Commissioners
of the Columbia County Board
of Commissioners,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Georgia

(April 21, 2006)

Before TJOFLAT, BARKETT and PRYOR, Circuit Judges.

PER CURIAM:

Michael D. Pirtle, Sr., proceeding pro se, appeals the district court's dismissal of his challenge to the constitutionality of Columbia County, Georgia's Ordinance No. 04-08 prohibiting smoking in most public places. The district court dismissed Pirtle's complaint on the grounds that he could not state a claim that the ordinance, inter alia, (1) was a regulatory taking, (2) violated his First Amendment rights to free speech and assembly, (3) violated substantive due process or equal protection, (4) violated the Contracts Clause, (5) violated antitrust laws, (6) violated the Commerce Clause, (7) deprived him of a republican form of government, (8) was an unlawful bill of attainder, (9) was vague, arbitrary or overbroad, or (10) provided for excessive penalties. Because Pirtle's complaint failed to state a claim upon which relief could be granted, the district court's order is

AFFIRMED.